

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL PEIFFER,

Case No. 16-13824

Plaintiff,

Bernard A. Friedman

v.

United States District Judge

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al*,

Stephanie Dawkins Davis
United States Magistrate Judge

Defendants.

/

ORDER TO SHOW CAUSE

On February 17, 2017, MDOC defendants R. Harbaugh and Patricia Lamb filed a motion for summary judgment. (Dkt. 22). Plaintiff was ordered to file a response by April 27, 2017. (Dkt. 24). A review of the docket indicates that plaintiff has not filed a response to this motion. Under Federal Rule of Civil Procedure 41(b), a federal court may *sua sponte* dismiss a claim for failure to prosecute or comply with an order. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962); *Steward v. City of Jackson*, 8 Fed.Appx. 294, 296, *1 (6th Cir. 2001).

Based on the foregoing, plaintiff is **ORDERED** to show cause in writing by **JUNE 22, 2017**, why the undersigned should not recommend that the plaintiff's complaint be dismissed due to plaintiff's failure to file a response to the motion for summary judgment. Alternatively, plaintiff may file a response to the motion for

summary judgment by **JUNE 22, 2017**. Failure to timely or adequately respond in writing to this Order to Show Cause or timely file a response to the motion for summary judgment will result in a recommendation that the motion be granted or that the entire matter be dismissed under Rule 41(b).

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: June 1, 2017

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on June 1, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to all counsel of record and that I have mailed by U.S. Postal Service to the following non-ECF participant: Daniel Peiffer #949643, Central Michigan Correctional Facility, 320 N. Hubbard, St. Louis, MI 48880.

s/Tammy Hallwood

Case Manager

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